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VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20043-9998				
EXAMINER				
SLAWSKI, BRIAN R				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/574,790

Applicant(s)

LAAKSONEN ET AL.

Examiner

BRIAN R. SLAWSKI

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-7 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4 and 5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

LABEL LAMINATE AND A METHOD FOR MANUFACTURING A LABEL LAMINATE

Detailed Action

1. Applicant's request for reconsideration filed December 2, 2009, was received. Claim 4 was amended.
2. The text of those sections of Title 35, U.S. Code, not included in this action can be found in the prior Office Action issued on August 3, 2009.

Claim Rejections—35 USC §103

3. The rejections under 35 U.S.C. 103(a) as being unpatentable over Kiyohara et al. (US 2002/0022102) in view of Nandy et al. (US 2001/0030020), Steidinger (US 5,700,536) and Ghavt (GB 1,420,743) are withdrawn because claim 4 has been amended.
4. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiyohara et al. (US 2002/0022102) in view of Nandy et al. (US 2001/0030020), Steidinger (US 5,700,536), Ghavt (GB 1,420,743), and Takemoto et al. (EP 0 353 972).

Regarding claim 4, Kiyohara et al. teach a method for making a printable label laminate comprising first and second label material layers 11 and 12, each having a face side and a back side, the method comprising: forming adhesive areas in a pattern such that adhesive areas 13, 14 and non-adhesive areas 15, 16 alternate on the face side of each material layer; aligning the adhesive areas 13 on the first layer 11 with the

non-adhesive areas 16 on the second layer 12 and aligning the non-adhesive areas 15 on the first layer 11 with the adhesive areas 14 on the second layer 12; and attaching the face side of the two layers 11, 12 to each other in this alignment (Abstract; Fig. 1-3; [0001, 0007-0009, 0018, 0033-0036]). Kiyohara et al. teach that, while separate strip layers can be formed on the face sides of the label material layers 11, 12 in their non-adhesive areas 15, 16, alternatively, the adhesive areas 13, 14 can be attached directly to non-adhesive areas on the label material layers 11, 12 themselves, so that each label material layer acts as a strip layer for the opposing label material layer [0037-0038].

Kiyohara et al. are silent as to the composition of the label material layers and adhesive, the method by which the adhesive areas are printed, and the pattern of adhesive within the areas 13, 14 (e.g., whether continuous or discontinuous). However, it would have been obvious to one of ordinary skill in the art to choose these parameters so that each label material layer is printable and can act directly as the strip layer for the other, as taught by Kiyohara et al. For instance, Nandy et al. teach that polyethylene films are commonly used as a printable label material [0001, 0002], and specifically make a printed label laminate by extruding from nozzle 40 a hot-melt pressure-sensitive adhesive (PSA) onto a strip layer 50, pressing the adhesive-coated strip layer onto a polyethylene film 80 to form a label laminate, then printing images on the laminate's polyethylene film to form labels (Fig. 1; [0008, 0009, 0014, 0022]). Hence one of ordinary skill in the art would have recognized from Nandy et al. that polyethylene film would be a suitable material for the label material layers 11, 12 of Kiyohara et al., being printable and adherable to a strip layer via a hot-melt PSA.

Nandy et al. teach extruding rather than screen-printing the hot-melt pressure-sensitive adhesive, and do not teach using a polyethylene film for the strip layer as well as the printable label layer. However, Steidinger also makes a label laminate by adhering a label material layer to a strip layer with a hot-melt PSA 124, applied to either layer by a hot melt extruding or screen printing unit 38/43, noting that both kinds of units are well known in the art for applying hot-melt adhesives (Abstract; Fig. 6, 11; col. 3, L. 15-24; col. 4, L. 66-67; col. 5, L. 1-4, L. 7-13, L. 36-43). Similarly, Ghavt teaches that a PSA, which may be a hot-melt PSA, can be printed on a carrier sheet 2 by several techniques including nozzle-extrusion and screen printing, where the latter produces discrete three-dimensional adhesive dots 7 on the sheet (Fig. 1, 2; p. 1, L. 8-12, L. 34-51; p. 2, L. 41-48, L. 88-90, L. 98-113; p. 3, L. 73-81, L. 105-112, L. 121-126; p. 4, L. 1-10, L. 63-67). It would have been obvious to one of ordinary skill in the art to form the adhesive areas 13, 14 of Kiyohara et al. by screen printing three-dimensional dots of hot-melt pressure-sensitive adhesive, because Nandy et al. teach that such adhesives are suited to adhering a polyethylene printable layer to the strip layer of a label, while Steidinger and Ghavt teach that screen printing such adhesives in an array of dots is a conventional alternative to the extrusion taught by Nandy et al.

Ghavt further notes that the carrier sheet should have a release surface able to transfer the PSA printed thereon onto another object, and that plastic films having an inherently low degree of affinity for the adhesive, such as polyethylene, may be used without silicones for this purpose (p. 1, L. 34-66). Hence, one of ordinary skill in the art would have understood from Nandy et al. and Ghavt that polyethylene films would be

well suited for both label material layers 11, 12 of Kiyohara et al., being printable and having sufficiently modest affinity for hot-melt pressure-sensitive adhesives as to serve as each other's strip layers without requiring additional release agents. As noted by Applicant in the instant specification (p. 3, L. 24-25), the non-adhesive areas 14, 16 of such polyethylene films applied in the method of Kiyohara et al. will inherently have surface energy of at least 25 dynes.

Ghavit does not fully describe the three-dimensional shape of the screen-printed hot-melt PSA dots 7, but notes that the adhesive should be sufficiently viscous to maintain its physical shape upon printing, without slumping or flowing (p. 2, L. 102-121). Moreover, Takemoto et al. similarly teach screen printing hot-melt pressure-sensitive adhesive dots on any of various flexible paper or plastic backing materials to produce an easily peelable adhesive tape (Abstract; Fig. 3, 4; col. 1, L. 1-3; col. 3, L. 12-15; col. 5, L. 54-57; col. 6, L. 51-58; col. 7, L. 1-5, L. 24-26, L. 35-38). Takemoto et al. teach that by screen printing the adhesive dots 30 in hemispherical form so that the area that contacts the backing 14 is larger than the area that contacts the surface 40 to which the backing is adhered, the tape can be more easily and less destructively peeled from the surface 40 (Fig. 5, 8; col. 3, L. 21-24; col. 4, L. 21-33; col. 9, L. 35-52). Thus it would have been obvious to one of ordinary skill in the art to screen-print the adhesive areas 13, 14 of Kiyohara et al. in the form of the hemispherical dots taught by Takemoto et al., in order to make the label material layers 11 and 12 more easily peelable from each other.

5. Regarding claim 5, Ghavt teaches in particular that a rotary screen printing method is preferred for applying regular patterns of pressure-sensitive adhesive 7 to a flexible carrier sheet 2 (p. 2, L. 88-90, L. 98-114; p. 3, L. 100-126; p. 4, L. 1-10; Fig. 1, 2), so that it would have been obvious to one of ordinary skill in the art to apply the adhesive areas 13, 14 to the label material layers 11, 12 of Kiyohara et al. using this rotary screen method.

Response to Arguments

6. Applicant's arguments filed on December 2, 2009, have been fully considered but they are not persuasive. Applicant argues that none of the references cited in the prior Office action suggests adhesive areas that each includes a plurality of three-dimensional dots, asserting that Kiyohara et al. suggest adhesive layers that appear to be continuous regions of adhesive. This is not found persuasive because Kiyohara et al. are wholly silent as to the pattern of adhesive within their label laminate's adhesive areas, the method by which they are printed, and composition of the label material layers and adhesive. Kiyohara et al. teach simply that the adhesive areas 13, 14 may be adhered directly to the non-adhesive areas 16, 15 on the other layer, without providing strip layers distinct from the label material layers 11, 12. Nandy et al., Steidinger, and Ghavt collectively teach that a system of hot-melt pressure-sensitive adhesive and polyethylene films would be suited for this purpose, providing printable label material layers that can be peelably adhered to each other without requiring additional silicone release agents. Ghavt specifically teaches that rotary screen printing

is a preferred technique of applying the hot-melt PSA as an array of three-dimensional adhesive dots. Further, Takemoto et al. teach that by screen printing a hot-melt PSA in the form of hemispherical dots on the backing of an adhesive tape, the dots' large contact area with the backing and small contact area with the other surface to which the tape is applied ensure that the tape can be easily and nondestructively removed from the other surface. Hence, the skilled artisan would have found it obvious to apply the adhesive areas 13, 14 of Kiyohara et al. in this pattern in order to ensure that the layers 11, 12 of the label laminate are easily peelable from each other.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN R. SLAWSKI whose telephone number is (571)270-3855. The examiner can normally be reached on Monday to Thursday, 7:30 a.m. to 5:00 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino, can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian R. Slawski/
Examiner, Art Unit 1791

B.R.S.

/Richard Crispino/
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